IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.Rev.Pet.No. 122 of 2007()

CRL.M.P.NO.3203/06 IN CRA.1109/2006 of SESSIONS COURT, TRIVANDRUM
SC.1206/2000 of ASSISTANT SESSIONS COURT, ATTINGAL

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REVN. PETITIONER: PETITIONER/APPELLANT:

RIJU, S/O.SASI,
WRONGLY SHOWN AS RAJU IN CR.MP.3203/2006 IN
CRL.A.1109/06 DT.20/11/2006 SESSIONS COURT TVM.
ENCHAVILA VEEDU, VETTOOR DESOM,
VETTOOR VILLAGE, CHIRAYINKIL TALUK.

BY ADV. SRI.M.DINESH

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.R.P.NO. 122 OF 2007

Dated this the 12th day of January, 2007

ORDER

It is not necessary for me in this Crl.P.P. to consider whether the powers under Sec.401 or 482 of the Cr.P.C. deserve to be invoked. At any rate, I am satisfied that the relief can be granted to the petitioner to the limited extent indicated below.

2. The petitioner has been found guilty, convicted and sentenced in a prosecution under the provisions of the Kerala Abkari Act by the learned Sessions Judge. The petitioner has preferred an appeal and the appeal is pending before the learned Sessions Judge. The learned Sessions Judge has directed suspension of the sentence of the accused, inter alia, on condition that the petitioner deposits an amount of Rs.25,000/- towards the fine out of Rs.1,00,000/-. The learned counsel for the petitioner submits that the imposition of the said condition virtually deprives the petitioner of his right to prefer an appeal. Insistence on the condition will oblige the

petitioner to undergo imprisonment even before the appeal which has already been admitted is taken up for consideration on merits. In these circumstances, It is prayed that the condition for deposit of part of fine amount may be set aside or modified.

3. Having heard the learned counsel for the petitioner, I am satisfied that the request of the petitioner to give further time to make payment can be allowed. The petitioner is granted two months further time from today to make the deposit of the amount of Rs.25,000/-. In case the petitioner is not able to raise the amount, the petitioner shall within 15 days from this date file an application before the learned Sessions Judge for expeditious disposal of the appeal and the learned Sessions Judge shall within two months dispose of the appeal itself.

4. This revision petition is allowed to the extent indicated above.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge